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DATE: 11-15-04

BY: CMG

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
VS.)
)
TONY TEXIERA,)
 Defendant.)

NO. ~~ML 04-815-MBB~~

04-10165

FILED
NOV 10 P 3:40
U.S. DISTRICT COURT
DISTRICT OF MASS

AFFIDAVIT OF DEFENDANT IN SUPPORT OF MOTION TO SUPPRESS

The undersigned being duly sworn deposes and states to the best of his knowledge and belief:

1. My name is Tony Texiera, and I am the Defendant in the above-entitled matter;
2. I have reviewed all of the police reports in this matter that have thus been provided to my attorney by the Commonwealth of Massachusetts and the United States of America;
3. On April 5, 2004, the Massachusetts State Police made a warrantless search of a vehicle in which I was a passenger;
4. The search was conducted without probable cause or in accordance with any recognized exception to the warrant requirement;
5. Therefore, the police violated my Fourth Amendment rights under the United States Constitution.

Signed under the pains and penalties this fifth^{5th} day of November 2004.

Tony Texiera
Tony Texiera

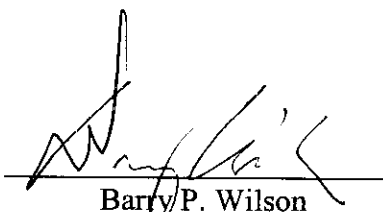
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CERTIFICATE OF SERVICE

I, Barry P. Wilson, certify that I have on this day served the enclosed documents by first-class mail, postage prepaid, to the following:

Timothy Feely, AUSA
United States Attorney's Office
U.S. Courthouse, Suite 9200
1 Courthouse Way
Boston, MA 02210

Dated: 11/09/04


Barry P. Wilson